

WXP/Post

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JUL 3 1 1974

# The Resignation Option—One Year Later

A year ago, President Nixon could have resigned "for the good of my country" and made it seem creditable.

It was clear to some of us even then that he was deeply implicated in the Watergate coverup, although a lot of people saw the evidence as ambiguous. But many of those who saw the coverup implications as crystal clear still could have been persuaded that the coverup was a tactical error that, once begun, the President simply didn't know how to stop.

In fact, it was only a little less than a year ago that certain members of the President's own party first suggested that resignation might not be a bad idea.

He didn't take the advice then. The intriguing question is: Is it too late now? And if it isn't, how well would resignation serve the country?

To take the second question first, the major objection to earlier calls for resignation was that it would thwart the public's need to know just how much their government had been undetermined.

Resignation then would have left unresolved the question of the President's personal involvement in the scandals and left us instead with a handful of scapegoats to be disgraced and forgotten. Unlike the Agnew case, there would have been no criminal plea for the President to make; no bill of particulars to be made public. Resignation would have been the end of it.

Those of us who saw the scandals as a threat to the American system of government—who, in fact, saw the thing called Watergate as a very

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nearly successful *coup d'etat*—thought it vital to get the facts out, even if it meant leaving Richard Nixon temporarily in.

In addition, it was almost inevitable that Nixon supporters would have turned his resignation into a form of martyrdom. Their man would have been driven out of office by his natural enemies even though there was no solid proof that he deserved such a fate. It would have been put forward as the liberals' way of rescinding an election they had overwhelmingly lost.

In short, resignation a year ago would have been a disservice to the country.

But now, unless there are to be major new explosions from bombshells contained in the 64 tapes whose delivery the Supreme Court has ordered, most of the Watergate facts appear to be out.

At least enough is known for Americans to get a good sense of the depth and breadth of the scandals, of the pressure put on high officials to use government agencies for political purposes—and of the ultimate source of that pressure.

Proof of presidential complicity in

the scandals is lacking only in the most technical legal sense; the President's own version of the White House tapes leaves little ground for doubt. And the combination of his tax situation, his real estate dealings and the purchase with campaign funds of jewelry for his wife eliminates any possibility of his playing the martyr.

In short, resignation at this point—with the House Judiciary Committee already having voted to recommend impeachment, and with a House vote to impeach on at least one count a virtual certainty—would be in the interest of the country, saving weeks and perhaps months of televised anguish.

But would resignation be possible now, from the President's point of view?

One of the key difficulties is that Mr. Nixon has been too successful in forcing his definition of an impeachable offense. If he had been content to leave the definition loose enough to encompass malfeasance in office, or failure faithfully to execute the laws, he might have been able to escape with resignation.

But he and his lawyers insisted that only an indictable crime could be an

impeachable offense. And now, if the House impeaches, and the Senate convicts him, for offenses that are also indictable crimes, his removal from office could be the first step toward jail.

Even if that removal from office results from resignation. For his insistence on making impeachability synonymous with indictability has forced the Judiciary Committee to a standard of proof and specificity that, assuming conviction in the Senate, would make his conviction in the courts all but certain.

He has persuaded the country that a sitting President cannot be indicted. But the Constitution is clear beyond even James St. Clair's ability to obscure that an impeached and convicted President can be tried in the criminal courts.

So perhaps Mr. Nixon can't afford to resign now, even if it would be good for the country. Unless he did so for reasons of poor health, in which case public opinion might dampen the enthusiasm of federal investigators; or unless the Congress could be persuaded to accept the deal proposed by Rep. Wilbur Mills some months ago—legislation giving the President immunity from prosecution in exchange for his resignation.

One other possibility: Somebody suggested recently that the President could escape his dilemma by the bold tactic of (a) confessing every criminal offense he has been accused of, (b) granting himself a presidential pardon, and (c) resigning from office.

Such high-handedness might constitute an impeachable offense, but so what?